

EXHIBIT

1

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JUNE 12, 2008

JACOB BOLITH

SO# 277993

ADULT DETENTION COMPLEX

3415 SOUTH 900 WEST

SALT LAKE CITY, UT 84119

Case No(s): 071904959FS

You are hereby notified that conflict counsel has been assigned to represent you in the above-mentioned case(s). Please contact your new attorney at the following address and telephone number:

CLAYTON SIMMS AND PAMELA VICKREY

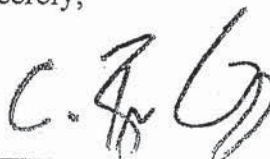
39 EXCHANGE PLACE, STE 100

SALT LAKE CITY, UT 84111

(801) 359-0404

Your next court hearing is a JURY TRIAL presently scheduled on the 17TH, 18TH AND 19TH day of JUNE, 2008, at the hour of 9:00 A.M. before JUDGE REESE.

Sincerely,



C. BEVAN CORRY

Attorney at Law

JACOB MUT BOLITH
USP# 43310, PRO SE
BEAVER COUNTY JAIL
P.O. BOX 391
BEAVER, UT 84713

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY
STATE OF UTAH

JACOB MUT BOLITH,
PETITIONER,

MOTION FOR DEFAULT JUDGMENT

VS

STATE OF UTAH,
RESPONDENT.

CASE NO. 090905600

JUDGE ROBIN W. REESE

COMES NOW THE PETITIONER, JACOB MUT BOLITH, PRO SE,
RESPECTFULLY MOVING THIS HONORABLE COURT TO ENTER A
DEFAULT JUDGEMENT AGAINST RESPONDENT AND SUCH OTHER
RELIEF THE COURT MAY DEEM JUST AND APPROPRIATE.

IN SUPPORT OF THIS MOTION PETITIONER STATES:

1. ON APRIL 6TH, 2009 HE FILED A PETITION FOR POST
CONVICTION RELIEF IN THIS HONORABLE COURT.
2. ON AUGUST 4TH, 2009 THIS HONORABLE COURT ORDERED
COUNSEL FOR RESPONDENT TO FILE A REPLY TO THE PETITION
FILED IN THIS MATTER,
3. UPON INFORMATION AND BELIEF, AS OF SEPTEMBER 5TH, 2009,
COUNSEL FOR RESPONDENTS WILLFULLY NEGLECTED AND INTENTIONAL-
LY REFUSED TO FILE A TIMELY REPLY TO PETITION OR.

MOTION FOR ENLARGEMENT OF TIME TO REPLY TO PETITION.

4. ON SEPTEMBER 23RD, 2009, COUNSEL FOR RESPONDENT FILED A "MOTION FOR RELEASE OF RECORD AND TRANSCRIPTS."

5. ON NOVEMBER 3RD 2009, COUNSEL FOR RESPONDENTS FILES AN UNTIMELY "MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PETITION" AND A "MOTION TO DISMISS PETITION FOR POST CONVICTION RELIEF", WITH THIS HONORABLE COURT 2 MONTHS AND 29 DAYS AFTER ITS "ORDER TO REPLY."

6. WITHOUT LEAVE, DUE PROCESS AND EQUAL PROTECTION OF THE LAWS SHOULD INFLUENCE THIS HONORABLE COURT TO DENY RESPONDENTS' MOTIONS AND FURTHERMORE GRANT PETITIONER A DEFAULT JUDGMENT IN THIS MATTER.

WHEREFORE PETITIONER PRAYS THIS HONORABLE COURT WILL ISSUE A DEFAULT JUDGMENT IN THE ABOVE-ENTITLED CAUSE OF ACTION AND ANY OTHER RELIEF THE COURT MAY DEEM JUST AND PROPER.

DATED: 28 FEBRUARY 2010

RESPECTFULLY SUBMITTED




JACOB MUT BOLITH
PETITIONER, PRO SE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON 28 FEBRUARY 2010,
I MAILED A COPY OF THE FOREGOING " MOTION FOR DEFAULT
JUDGMENT " TO:

BRETT J. DEL PORTO (6862)
ASSISTANT ATTORNEY GENERAL
160 EAST 300 SOUTH, 6TH FLOOR
P.O. BOX 140854
SALT LAKE CITY, UT. 84114-0854


JACOB MUT BOLITH
PETITIONER, PRO SE

JACOB MUT BOLITH
USP# 43310 PRO-SE
BEAVER COUNTY JAIL
P.O. BOX 391
BEAVER, UT, 84713

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY
STATE OF UTAH

JACOB MUT BOLITH,
PETITIONER,

VS

RESPONSE TO MOTION FOR
ENLARGEMENT OF TIME TO
RESPOND TO PETITION AND
MOTION TO DISMISS PETITION.

STATE OF UTAH,
RESPONDENT.

CASE NO. 090905600
JUDGE ROBIN W. REESE

THE PETITIONER, JACOB MUT BOLITH, PRO-SE, RESPECTFULLY
MOVES THIS HONORABLE COURT FOR AN ORDER DENYING
RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME TO
RESPOND TO PETITION FOR POST CONVICTION RELIEF, AND
MOTION TO DISMISS PETITION FOR POST CONVICTION RELIEF.
AND FURTHERMORE ORDER THAT FACTUAL ALLEGATIONS
EXIST WHICH REQUIRE APPOINTMENT OF COUNSEL TO
REPRESENT PETITIONER AND AN EVIDENTIARY HEARING
IN THE ABOVE-ENTITLED CAUSE OF ACTION.

IN SUPPORT PETITIONER STATES:

1. ON AUGUST 4TH 2009 THIS HONORABLE COURT
DIRECTED RESPONDENT'S COUNSEL TO FILE A REPLY
TO THE PETITION FILED IN THIS MATTER.

2. RESPONDENT'S COUNSEL WILFULLY REFUSED AND

INTENTIONALLY FAILED TO FILE A TIMELY MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PETITION. (SEE COURT RECORD).

3. RESPONDENT'S MOTIONS ARE PROCEDURALLY BARRED BECAUSE THEY COULD HAVE BEEN RAISED THROUGH A TIMELY MOTIONS. ACCORDINGLY, THE MOTIONS SHOULD BE DENIED IN THEIR ENTIRETY WITH PREJUDICE.

WHEREFORE, PETITIONER THIS HONORABLE COURT WILL ENTER ITS ORDER DENYING RESPONDENTS MOTIONS, AND FURTHERMORE ORDER THAT FACTUAL ALLEGATIONS EXIST WHICH REQUIRE APPOINTMENT OF COUNSEL TO REPRESENT PETITIONER AND AN EVIDENTIARY HEARING IN THE ABOVE-ENTITLED CAUSE OF ACTION.

DATED: 16 NOVEMBER, 2009

RESPECTFULLY SUBMITTED



JACOB MUT BOLITH
PETITIONER PRO-SE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON 16 NOVEMBER, 2009, I
MAILED A COPY OF THE FOREGOING "RESPONSE TO MOTION
FOR ENLARGEMENT OF TIME TO RESPOND TO PETITION AND
MOTION TO DISMISS PETITION," TO:

BRETT J. DEL PORTO (6862)
ASSISTANT ATTORNEY GENERAL
ATTORNEY FOR RESPONDENTS
160 EAST 300 SOUTH, 6TH FLOOR
P.O. BOX 140854
SALT LAKE CITY, UTAH 84114-0854

JACOB MUT BOLITH
USP# 43310 PRO-SE
BEAVER COUNTY JAIL
PO BOX 391
BEAVER, UTAH 84713

IN THE UTAH COURT OF APPEALS
STATE OF UTAH

JACOB MUT BOLITH
APPELLANT

VS.

STATE OF UTAH

MOTION TO SUPPORT
FOR AN APPEAL

CASE NO. 090905600

APP. CASE NO. 20100834

THE APPELLANT JACOB M. BOLITH PRO SE,
RESPECTFULLY MOVES THIS HONORABLE COURT TO CONSIDERATION
OF APPEALS MATTER AND FURTHER MORE MAKE A DETERMINATION
IN AS MUCH TO WHETHER FACTUAL ALLEGATION EXIST THAT WILL
REQUIRE AN EVIDENTARY HEARING AND INVOLVING COM-
PLICATED ISSUES OF LAW. FACT THAT REQUEST THE ASSISTANCE
OF COUNSEL FOR PROPER ADJUDICATION. THE DISTRICT COURT
DISMISSING THE POSTCONVICTION RELIEF WITHOUT PUTTING THE
DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW: IN
WHICH THE RESPONDENT RAISES CLAIMS THAT THE VALIDITY
OF THE PETITIONERS PLEA IS PROCEDURALLY BARRED BECAUSE
IT COULD HAVE BEEN VOICED DURING THE CHANGE OF PLEA
HEARING OR THROUGH A TIMELY MOTION TO WITHDRAW THE

PLEA: RESPONDENT ALSO RAISES CLAIMS THAT PETITIONERS INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS ARE WITHOUT MERIT FOR THE RECORD IN THE CRIMINAL CASES DEMONSTRATES THE PLEA WAS ENTERED KNOWINGLY AND VOLUNTARY BY JUDGE AND BOTH COUNSEL FIRST AS A COUNSEL APPOINTED TO REPRESENT THE CLIENT: BUT BOTH COUNSEL AND JUDGE HIMSELF REPRESENT THEIR INTEREST: SO THEY BECAME COLLUSION TOWARDS THE ACCUSER LITERALLY CAN NOT UNDERSTAND THE LANGUAGE ITSELF BASED ON THE FOLLOWING ABOUT JUNE 12TH, 2008,^① UPON INFORMATION AND BELIEF CLAYTON SIMMS ESQ. WAS ASSIGNED BY SALT LAKE DEFENDER ASSOCIATION TO REPRESENT THE APPEALLANT AS DEFENSE COUNSEL.^② UPON INFORMATION BELIEF CLAYTON AND JUDGE AND PROSECUTION BOTH BECAME BIASSED TOWARD APPEALLANT IN THAT THEY TOOK IT UPON THEMSELVES TO HAVE A CHANGE OF PRELIMINARY HEARING SCHEDULED WITHOUT CONSULTING OR INFORMING THE APPEALLANT FOR A CHANGE OF COUNSEL NOR IN AS MUCH APPEALLANT BY EVIDENCE EXHIBIT #I. A JURY TRIAL WAS SCHEDULED FOR JUNE 17TH THROUGH 19TH OF 2008, BUT INDIVIDUAL INFORMED HIM THAT HE WOULD BE TAKEN A PLEA AGREEMENT ON JUNE 16TH, 2008, APPEALLANT INFORMED THE COUNSELOR THAT HE REFUSED TO PLEA GUILTY TO ANY CHARGE AND ASKED THE COUNSELOR IF HE HAD TALKED WITH ANYONE THAT WOULD HAVE PROVIDED TESTIMONY AND EXCULPATORY EVIDENCE FOR HIS DEFENSE. REGARDING HIS CRIMINAL CASE, E. PAGE 3, LINE 23, THROUGH PAGE 4, LINE 4, THE COURT SPEAKS TO APPEALLANT, CLOSING ARGUMENT NOW IS THAT WHAT YOU

UNDERSTAND MR BOLITH?, (F) PAGE 4, LINE 5, THE APPELLANT HAS NO VERBAL RESPONSE; HE IS STILL TRYING TO GRASP THE REALITY THAT COUNSELOR SIMMS IS STILL STUBBORNLY ADHERING TO FORCE A PLEA AGREEMENT IN THIS CRIMINAL CASE. (G) PAGE 4, LINE 9, OUT OF SUBMISSIVE RESPECT FOR THE COURT APPELLANT CEASES TO OFFER RESISTANCE AND STATES = YES. (H) PAGE 4, LINE 18-19, THE COURT STATES OKAY ARE YOU ACCEPTING THIS AGREEMENT VOLUNTARY. (I) PAGE 4, LINE 21-23, THE COURT ELICITS THE APPELLANT ONCE AGAIN; MR BOLITH, ARE YOU DOING THIS VOLUNTARILY. (J) PAGE 4, LINE 24, APPELLANT STATED "NO", I JUST, ACCEPT IT. (K) PAGE 4, LINE 25, THE COURT ASKS ONCE AGAIN, ARE YOU DOING IT VOLUNTARILY? (L) PAGE 5, LINE 3, APPELLANT RESPONDED TO THE COURT, NO I JUST DO IT, = CLEARLY APPELLANT RESPONDED NO TO TAKE THE PLEA AGREEMENT VOLUNTARILY BUT NEITHER THE COURT OR COUNSELOR SIMMS WERE CONCERNED AND THE HEARING CONTINUED ON. (M) PAGE 5, LINE 10, THROUGH 17, THE COURT SPEARS TO APPELLANT AND MR BOLITH IF YOU PLEA GUILTY DO YOU UNDERSTAND THAT? COUNSELOR REFUSED TO RESPOND AND COUNSELOR SIMMS ASKED APPELLANT IF HE WAS "AN IMMIGRANT" UPON HEARING "YES" FROM APPELLANT COUNSELOR TOLD APPELLANT IF YOU DONT TAKE THE PLEA AGREEMENT YOU WILL BE DEPORTED. APPELLANT TOLD THE COUNSEL THAT HE IS DOCUMENTED IMMIGRANT, FURTHER SOUGHT TO TALK WITH COUNSELOR ABOUT HIS DEFENSE IN THE JURY TRIAL, BUT COUNSEL ASSUMED AN UNWARRANTED ATTITUDE OF SUPERIORITY AND WALKED AWAY. IT WAS THE TIME

APPELLANT METED THIS COUNSELOR IT WAS QUITE OBVIOUS TO APPELLANT THAT TO COUNSELOR SIMMS APPELLANTS INNOCENCE WAS AN INSIGNIFICANT FACT AND IT WOULD BE POINTLESS TO CONVERSE WITH HIM FURTHER. AS EVIDENCE BY RESPONDENTS ADDENDUM, (A) PAGE 2, LINE 21, COUNSELOR SIMMS WAS "NEW COUNSEL ON THE CASE". (B) PAGE 2, LINE 24-25, COUNSELOR SIMMS LACKING PROPER SERIOUSNESS BEGINS TO PERVERT THE COURSE OF JUSTICE AND DECEIVES THE COURT WITH AN INTENTIONAL FALSE STATEMENT STATING "YOUR HONOR WE DO HAVE A RESOLUTION TO THIS MATTER," WHILE IT MAY HAVE BEEN HIS RESOLUTION WITH THE STATE IT WAS DELIBERATELY COUNTER TO APPELLANTS REQUIREMENT FOR A JURY TRIAL. (C) PAGE 3, LINE 2, COUNSELOR SIMMS REAFFIRMS HIS STATEMENT TO COURT BY STATING "YES". (D) PAGE 3, LINE 4, ASSISTANT DISTRICT ATTORNEY ROBERT G. NEILL MAKES AN INTENTIONAL FALSE STATEMENT TO THE COURT, STATING "I'VE DISCUSSED THIS CASE WITH THE DEFENDENT", COUNSELOR NEILL HAS NEVER DISCUSSED ANYTHING WITH THE APPELLANT. (N) PAGE 5, LINE 18, ASSISTANT DISTRICT ATTORNEY NEILL STATES YES "SIR" NOT THE APPELLANT COUNSELOR SIMMS INTENTIONALLY REFUSED AND WILLFULLY NEGLECTED TO SPEAK UP ON APPELLANTS BEHALF AND THE COURT FAILED TO TAKE NOTICE THAT THE WRONG PERSON WAS RESPONSE. (O) PAGE 6, LINE 19-20, THE COURT CONTINUES SPEAKING TO APPELLANT, DO YOU HAVE ANY QUESTIONS ABOUT WHAT YOU ARE DOING? (P) PAGE 6, LINE 21, ONCE AGAIN COUNSELOR NEILL HAS RESPONDED

TO THE COURT, NO NOT THE APPEALLANT, AGAIN COUNSELOR SIMMS INTENTIONALLY REFUSED AND WILLY NEGLECTS TO PROVIDE ASCINTILLATED OF THE EFFECTIVE AND COMPETENT ASSISTANCE ON BEHALF OF APPEALLANT: THROUGHOUT RESPONDENTS ADDENDUM "C" EXISTS A PREPONDERANCE OF EVIDENCE THAT APPEALLANTS PLEA AGREEMENT WAS UNKNOWINGLY, WILLINGLY, AND UNINTELLIGENTLY ENTERED AND FURTHER MORE WITHIN RESPONDENTS ADDENDUM "C" EXISTS A PREPONDERANCE OF EVIDENCE THAT APPEALLANTS COUNSELOR WAS INEFFECTIVE IN HIS REPRESENTATION OF THE APPEALLANT: THE APPEALLANT MAY COLLATERALLY ATTACK A CONVICTION ARISING FROM A GUILTY PLEA ONLY BY SHOWING THAT HIS PLEA WAS ENTERED INVOLUNTARILY OR UNKNOWINGLY "MEDEL VS STATE 2008 UT 32,972 184 P3D 1226". PROFF OF INEFFECTIVE ASSISTANCE OF COUNSEL MUST BE DEMONSTRABLE REALITY, "STATE VS. PENMAN, 964 P2D 1157, 1162 (UTAH APP 1998), (CITING FERNANDEZ VS. COOK 870 P 20870 UTAH 1993). FOR THE FOREGOING REASONS THE APPEALLANT HAS MET HIS BURDEN IS SHOWN BY THE COURT RECORDING ITSELF WITHOUT REASONABLE DOUBT THE APPEALLANT. HE WAS CORRECTS INTO ENTERING A PLEA AGREEMENT INVOLUNTARILY AND THAT HIS COUNSELS REPRESENTATION WAS CONSTITUTIONALLY DEFICIENT. HIS APPEALS SHALL BE GRANTED ACCORDINGLY TO THIS COURT RECORDING. THE DISTRICT COURT OF SALT LAKE, THEIR DISMISSAL OF THE POSTCONVICTION RELIEF SHALL BE DISCLAIM: REGARD ON THE APPEALS IN WHICH THE THIRD DISTRICT COURT JUDGE HAS

GRANTED THE STATE THEIR MOTION TO DISMISSING THE PETITIONER: FIRST ACCORDINGLY TO THE RULES OF CIVIL PROCEDURE REGARDING IF THE APPEALLANTS INCARCERATED THE COURTS CONDUCT THE HEARING AT THE CORRECTIONAL FACILITY WHERE THE APPEALLANT IS CONFINED. IF THE COURT CAN NOT AFFORDING A COUNSELOR TO REPRESENTED THE APPEALLANT: THE COURT SHALL CONDUCT THE PREHEARING CONFERENCE MAYBE BY MEANS OF TELEPHONE OR VIDEO CONFERENCE SHALL BE CONFERENCE ON DISPOSITIVE ISSUES, BUT NEED NOT OTHERWISE BE PRESENCE IN THE COURT DURING THE PROCEEDING, BUT THE CASE WAS DISPOSITIVE WITHOUT CONSIDERATION OF THE ANOTHERSIDE TO PROTECTED THE DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW: DECLARE BY CONSTITUTION IN DISCUSSING THE COUNSELS FAILURE TO PROTECT CLIENT HAS IN THIS CASE AMOUNTED TO RAPE FIRST, ASK FOR MEDICAL RECORDS SECOND. THE DNA TEST THIS TWO STEEP SHALL BE CLEARLY ANY ATTORNEY SHOULD KNOW BEFORE TAKENS THE CASE, NOT ATTORNEY TAKING THE CASE SAME AND ADVISED HIS CLIENT TO THE PLEA AGREEMENT WITHOUT CONSIDERATION OF THE EVIDENTARY IN WHICH RAPE CASE UNDER UTAH STATE LAW. THE DNA TEST ARE POWERFUL EVIDENCE, RAPE IN CRIMINAL LAW: THE FORCIBLE UNLAWFULLY CARNAL KNOWLEDGE OF A WOMAN AGAINIST HER WILL: SEEKING THE STATUTORY RAPE IF IT WAS INDECENT ASSAULT LAW, A SEXUAL ASSAULT COMMIT BY A MAN OR WOMAN WHICH DOES NOT AMOUNT TO RAPE WOULD STILL REQUIRE THE DNA TEST, BUT THE DISTRICT COURT JUDGE BELIEVED

THE ACCUSER IS A FOREIGNER AND A HAVE NO RIGHTS AGAINST CITIZEN: HAS THE DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW; CAUSE THE 5TH AND 14TH AMENDMENTS OF THE CONSTITUTION AND THE UTAH CONSTITUTION TO PROTECT INDIVIDUAL LIFE LIBERTY AND PROPERTY FROM UNFAIRNESS DEPRIVATIONS BY THE STATE AND LOCAL GOVERNMENTS IN ALL PERSONS WITHIN JURISDICTION OF THE UNITED STATES SHALL HAVE SAME RIGHTS IN EVERY STATE TO MAKE EQUAL PROTECTIONS OF LAWS AND THE RIGHTS TO BE FREE FROM INVIDIOUS DISCRIMINATION. THE RIGHTS TO EARN A LIVING AND FREE FROM INTENTIONALLY DISCRIMINATION AND THE RIGHTS TO UNFAIR OR UNEQUAL TREATMENTS OF A CLASS OF PERSONEL BASIS OF RACE COLOR NATIONAL ORIGINALITY IN WHICH THE DISTRICT COURT JUDGE INASMUCH HE MENTION THE FLAMBOYANT, NOT ONLY HE VIOLATED THE CONSTITUTION, HE ALSO VIOLATED MY CIVIL RIGHTS. THESE ARE PERSONNEL RIGHTS THAT GURANTEED BY THE CONSTITUTION AND UTAH CONSTITUTION INAS MUCH THE COURT DISMISSAL OF THE POSTCONVICTION RELIEF WITHOUT CONSIDER. THE DUE PROCESS AND EQUAL PROTECTION OF LAW CAUSE 14TH AMENDMENT TO THE CONSTITUTION PROHIBITS STATES FROM DENYING TO ANY PERSON WITHIN THEIR JURISDICTION EQUAL PROTECTION OF LAW REGARDING RACE, COLOR, AND NATIONALITY ORIGINAL INASMUCH THE COURT AND STATE COLLUSIONALLY MANIPULATED THE RULES OF CIVIL PROCEDURE IN DISMISSING THE CASE WITHOUT GIVEN THE OPPORTUNITY TO EVEN APPEAR ON VIDEO OR TELEPHONE AND THE COURT

HAS GIVEN THE STATE TO APPEAR ON VIDEO PROVE BY THE COURT RECORD, BUT THEY CAN NOT PROVIDE THE VIDEO OR TELEPHONE TO THE APPELLANT BECAUSE HE'S A FOREIGNER THAT IS VIOLATION OF THE U.S. CONSTITUTION: WHILE IMMIGRATION ISSUES CONCERN THE DISTRICT COURT JUDGE, I AM A DOCUMENTED IMMIGRANT AND UPON INFORMATION AND BELIEF: THE 14TH AMENDMENTS TO THE U.S. CONSTITUTION PROVIDES "NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW NOR DENY TO ANY PERSON WITHIN JURISDICTION EQUAL PROTECTION OF LAW": BUT A PERSON CONVICTED OF A FELONY OFFENSE MAY FILE AT ANY TIME THE DNA TEST AS VALID IN SCIENTIFIC FIELD OR OTHERWISE ADMISSIBLE UNDER UTAH LAW: SUBSECTION (2) SECTION 53-10-103 OR UNDER SUBSECTION 53-10-407 (4)A 78-35A-2D. THE COURT SHALL CONSIDER ALL THE EVIDENCE PRESENTED AT THE ORIGINAL TRIAL AT HEARING UNDER SUBSECTION (7)(B) INCLUDING THE NEW DNA TEST RESULTS. THE NATURE OF THE MONEY AND JUSTICES REQUIREMENT THE UTAH COURT OF APPEALS HAS REQUEST THE FILING FEES MUST PAID BEFORE CONTINUE THE COURT AS I REASONABLE MENTION THE PAPERWORK I HAVE SENT IN MONTHS AGO IT VERY ITSELF EXPLANATORY AND HAS NOT EXAGGERATION IN AS MUCH IT SAID IF THE UTAH COURT OF APPEALS HAS REASONALLY DISMISSAL THE CASE: THE MATTER OF MONEY FILING FEES AND MY BEST EXPLANATION IS BE IT OR GO FOR IT SO THAT I CAN MOVE ON TO ANOTHER COURT THAT WILL NOT DENY OR DEPRIVE MY INALIENABLE RIGHTS GIVEN BY CONSTITUTION: THE UTAH COURT OF APPEALS HAVE TO MAKE

THAT DECISION AND ADDITIONAL UPON INFORMATION AND BELIEF. THE 9TH AMENDMENT SECTION OF THE BILL RIGHT TO THE CONSTITUTION TO PROTECT PEOPLE THIS CONCERN REFLECTS A BELIEF INALIENABLE NATURAL HUMAN RIGHTS IT HAS BEEN CITED SUPREME COURT DECISION GRISWOLD VS. CONNECTICUT, ROE VS WADE, DOE VS BOLTON. THE CONSTITUTIONAL RIGHTS TO PRIVACY VIOLATION: THE STATE HAS ENGAGED IN UNLAWFUL PRACTICES TO THE USED OF EVIDENCE. IT CLEAR THE CONSTITUTION OF BOTH STATES AND FEDERAL LAW, ALL PERSONS WITHIN JURISDICTION OF THE UNITED STATES SHALL HAVE SAME RIGHTS IN EVERY STATE AND TERRITORY EQUAL PROTECTION OF LAW AND EQUAL BENEFIT OF ALL LAWS AND PROCEEDINGS FOR THE SECURITY OF PERSONS INCLUDES ALL PRIVILEGES OF THE TERMS CONDITIONAL RIGHTS ARE PROTECTED BY CONSTITUTIONAL: I ASK THE UTAH COURT OF APPEALS TO THE PROCEDURE: I AM NOT GOING BACK TO JUDGE REESE TO BEG HIM TO GIVE ME THE APPOINTMENT OF COUNSEL OR RELIEF UNDER POSTCONVICTION: JUST LION AND GOAT THIS TWO ANIMAL HAVE NO TOLERATE AND ALSO I ASK THE UTAH COURT OF APPEAL TO LET JUDGE REESE RECUSANT HIMSELF FROM PRESIDING MY CASE, BUT NO DISRESPECT TO JUSTICE REESE JUST VIOLATED MY CIVIL RIGHTS WHICH HAS GIVEN BY CONSTITUTION: THE JUDGE OR STATE CAN NOT VIOLATE THE LAW OR PUT ANOTHER PERON INJUSTICE OR DEPRIVATION BECAUSE HE BELIEVES. THE APPEALLANT IS A FOREIGNER IS

VIOLATION OF CONSTITUTIONS 4th, 5th, 6th, 8th, 9th, 7th,
11th, 13th, AND 14th AMENDMENTS. WHILE THE STATE
COURT MAY CONSIDER THE APPEALLANTS AN
IMMIGRANT IN THE UNITED STATES, I AM A DOCUMENT
IMMIGRANT AND UPON INFORMATION AND BELIEF THE
14th AMENDMENT TO THE U.S. CONSTITUTION PROVIDES
"NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE
LIBERTY OR PROPERTY WITHOUT THE DUE PROCESS OF
LAW NOR DENY TO ANY PERSON WITHIN THEIR JURI-
SDICATION OF THE UNITED STATES EQUAL PROTECTION
OF LAWS INCLUDED THE CIVIL RIGHTS PERSONNEL RIGHTS
GURANTEE BY BOTH LAWS FEDERAL STATE AND LOCAL
GOVERNMENT AND ONE AGAINST I WOULD LIKE TO
ASK THE COURT OF APPEALS TO LET JUDGE REESE
RECUSANT OR WITHDRAW HIMSELF FROM THE CASE;
NO DISRESPECT TO HIS, BUT HE JUST REJECTED THE LAW.

DATED: NOVEMBER 9, 2010



JACOB MUT BOLITH

PRO-SE, APPEALLANT

JACOB MUI BOLITH
USP# 43310 PRO SE
BEAVER COUNTY JAIL
P.O. BOX 391
BEAVER, UTAH 84713

IN THE UTAH COURT OF APPEALS
STATE OF UTAH

JACOB MUI BOLITH
PETITIONER AND APPELLANT
VS.

STATE OF UTAH

RESPONDENT AND APPELLEE

MOTION OF SUMMARY
MEMORANDUM AND VIEW
OF BELIEF

CASE NO. 20100834-CA

I RESPECTFULLY BRING THE FOLLOWING MATTERS TO
YOUR ATTENTION NOT TO DELAY THIS CASE OR PERVERT JUSTICE BUT
TO GUARANTEE THAT MY ARGUMENT WILL BE PRESENTED TO YOU
MORE APPROPRIATELY SO THAT YOU WILL HAVE NO PROBLEM
ARRIVING AT A FAIR AND JUST DECISION. THE MOST RECENT DOCU-
MENTS HAVE BEEN FILED IN THIS CASE HAS A MERIT WHICH
THE COURT HAS ARGUING THAT THE GROUNDS FOR APPEAL ARE SO
INSUBSTANTIAL THAT THEY DO NOT MERIT FURTHER PROCEEDING OR
CONSIDERATION BY THE COURT I RESPECTFULLY MOVE THIS HONOR-
ABLE TO CONSIDERATION OF APPEAL THIS MATTER AND FURTHER
MORE MAKE A DETERMINATION AS TO WHETHER FACTUAL ALL-
EGATION EXIST THAT WILL REQUIRE AN EVIDENTARY HEARING

AND INVOLVING COMPLICATED ISSUES OF LAW OR FACT THAT REQUIRE THE ASSISTANCE OF COUNSEL FOR PROPER ADJUDICATION: THE COURT HAS RAISE CLAIMS THAT THE VALIDITY GROUNDS OF APPEAL BASIC RAISES THE INEFFECTIVE ASSISTANT OF COUNSEL AND THIS MOTION IS BASED ON THE FOLLOWING: (1) ON OR ABOUT JUNE 12, 2008, UPON INFORMATION AND BELIEF CLAYTON SIMMS ESQ. WAS ASSIGNED BY THE SALT LAKE DEFENDER ASSOCIATION TO REPRESENT THE APPELLANT AS DEFENSE COUNSEL. (2) UPON INFORMATION AND BELIEF CLAYTON SIMMS ESQ, WAS BIASED TOWARD THE APPELLANT SO THAT BOTH COUNSEL AND THE DISTRICT JUDGE COLLUSION THEY ARE TOOK IT UPON THEMSELVES TO HAVE A CHANGE OF PLEA HEARING SCHEDULED WITH THE COURT WITHOUT CONSULTING OR INFORMING THE APPELLANT FIRST. (3). AS EVIDENCE BY THE APPELLANT EXHIBIT 1, JURY TRIAL WAS SCHEDULED FOR JUNE 17TH, 19TH, AND 19TH, 2008. (4). ON JUNE 16, 2008, AN INDIVIDUAL PURPORTING TO BE CLAYTON SIMMS ESQ, APPROACHED THE APPELLANT AND INFORMED HIM THAT HE WOULD BE TAKING A PLEA AGREEMENT ON THIS DATE. (5). THE APPELLANT HAS INFORMED SIMMS THAT HE REFUSED TO PLEA GUILTY TO ANY CHARGE AND ASKED COUNSELOR SIMMS THAT IF HE HAD TALKED WITH ANYONE THAT WOULD HAVE PROVIDED TESTIMONY AND EX-CULPATORY EVIDENCE FOR HIS DEFENSE COUNSELOR REFUSED TO RESPOND. (6). COUNSELOR SIMMS ASKED THE APPELLANT IF HE WAS "AN IMMIGRANT" UPON HEARING "YES" FROM THE APPELLANT, COUNSELOR SIMMS TOLD THE APPELLANT IF YOU DONT TAKE THE PLEA ARGUEMENT, YOU WILL BE DEPORTED. THE APPELLANT TOLD COUNSELOR SIMMS THAT HE IS A DOCUMENT IMMIGRANT. (7). THE APPELLANT FURTHER SOUGHT TO TALK WITH COUNSELOR SIMMS ABOUT HIS DEFENSE ON THE JURY TRIAL, BUT COUNSELOR ASSUMED

AN UNWARRANT ATTITUDE OF SUPERIORITY AND WALKED AWAY. (8). IT WAS QUITE OBVIOUS TO APPELLANT THAT TO COUNSELOR SIMMS, THE APPELLANT'S INNOCENCE WAS AN INSIGNIFICANT FACT AND IT WOULD BE POINTLESS TO CONVERSE WITH HIM FURTHER. (9). AS EVIDENCED BY RESPONDENT'S ADDENDUM "C", (A) PAGE 2, LINE 21, COUNSELOR SIMMS WAS NEW COUNSEL ON THE CASE. (B) PAGE 2, LINES 24-25, COUNSELOR SIMMS LACKING PROPER SERIOUSNESS BEGINS TO PERVERT THE COURSE OF JUSTICE AND DECEIVE THE COURT WITH AN INTENTIONAL FALSE STATEMENT, "STATING YOUR HONOR," WE DO HAVE A RESOLUTION TO THIS MATTER. WHILE IT MAY HAVE BEEN HIS RESOLUTION WITH THE STATE, IT WAS DELIBERATELY COUNTER TO APPELLANT'S REQUIREMENT FOR A JURY TRIAL. (C). PAGE 3, LINE 2, COUNSELOR SIMMS REAFFIRMS HIS STATEMENT TO THE COURT BY STATING "YES". (D). PAGE 3, LINE 4, ASSISTANT DISTRICT ATTORNEY ROBERT G. NEILL, MAKES AN INTENTIONAL FALSE STATEMENT TO THE COURT STATING, "I'VE DISCUSSED THIS CASE WITH THE DEFENDENT," COUNSELOR NEILL HAS NEVER DISCUSSED ANYTHING WITH THE APPELLANT REGARDING HIS CRIMINAL CASE. (E). PAGE 3, LINE 23, THROUGH PAGE 4, LINE 4, THE COURT SPEAKS TO THE APPELLANT CLOSING WITH NOW IS THAT WHAT YOU UNDERSTAND MR. BOLITH. (F) PAGE 4, LINE 5, THE APPELLANT HAS NO VERBAL RESPONSE TO THE COURT. HE IS STILL TRYING TO GRASP THE REALITY THAT COUNSELOR SIMMS IS STILL STUBBORNLY ADHERING TO FORCE A PLEA ARGUMENT IN THIS CRIMINAL CASE. (G). PAGE 4, LINE 9, OUT OF SUBMISSIVE RESPECT FOR THE COURT THE APPELLANT CEASES TO OFFER THE RESISTANCE AND STATES "YES". (H). PAGE 4, LINE 18-19, THE COURT STATES OKAY, ARE YOU ACCEPTING THIS

AGREEMENT VOLUNTARILY. THE APPELLANT HAS NO VERBAL RESPONSE TO THE COURT. (I). PAGE 4, LINES 21-23, THE COURT ELICITS THE APPELLANT ONCE AGAIN, MR. BOLITH, ARE YOU DOING THIS VOLUNTARILY, THE APPELLANT HAS NO VERBAL RESPONSE TO THE COURT YET. (J). PAGE 4, LINE 24, THE APPELLANT HAS RESPONSE TO THE COURT "I ACCEPT IT". (K). PAGE 4, LINE 25, THE COURT ASKS ONCE AGAIN, ARE YOU DOING IT VOLUNTARILY. (L). PAGE 5, LINE 3, THE APPELLANT RESPONDS TO THE COURT, "NO" I JUST DO IT. CLEARING THE APPELLANT HAS RESPONDED "NO" TO TAKING THE PLEA AGREEMENT VOLUNTARILY, BUT NEITHER THE COURT OR COUNSELOR SIMMS WERE CONCERNED AND THE HEARING CONTINUED ON. (M) PAGE 5, LINES 10-17, THE COURT SPEAKS TO THE APPELLANT MR BOLITH, IF YOU PLEA GUILTY TODAY, DO YOU UNDERSTAND THAT. (N) PAGE 5, LINE 18, THE ASSISTANT DISTRICT ATTORNEY NEILL STATES "YES" SIR, NOT THE APPELLANT, AND COUNSELOR SIMMS INTENTIONALLY REFUSED AND WILLFULLY NEGLECTED TO SPEAK UP ON THE APPELLANTS BEHALF AND THE COURT FAILED TO TAKE NOTICE THAT THE WRONG PERSON WAS RESPONDING. (O). PAGE 6, LINES 19-20, THE COURT CONTINUES SPEAKING TO THE APPELLANT, DO YOU HAVE ANY QUESTION ABOUT WHAT YOU ARE DOING. (P). PAGE 6, LINE 21, ONCE AGAIN COUNSELOR ROBERT NEILL, RESPONDS TO THE COURT STATING "NO", NOT THE APPELLANT. AGAIN COUNSELOR SIMMS INTENTIONALLY REFUSED AND WILLFULLY NEGLECTS TO PROVIDE A SCINTILLA OF THE EFFECTIVE AND COMPETENT ASSISTANCE ON BEHALF OF THE APPELLANT THROUGHOUT RESPONDENTS ADDENDUM "C" EXISTS. A PREPONDERANCE OF EVIDENCE THAT APPELLANTS PLEA AGREEMENT WAS UNKNOWN-INGLY, UNWILLINGLY, AND UNINTELLIGENTLY ENTERED AND FURTHER

MORE WITHIN RESPONDENTS ADDENDUM "C" EXIST A PREPONDERANCE OF EVIDENCE THAT THE APPELLANTS' COUNSELOR WAS INEFFECTIVE IN HIS REPRESENTATION OF THE APPELLANT MAY COLLATERALLY ATTACK A CONVICTION ARISING FROM A GUILTY PLEA ONLY BY SHOWING THAT HIS PLEA WAS ENTERED INVOLUNTARILY OR UNKNOWNLY. THE STUART VS STATE 2009 UTAH APPEAL 267, MEDAL VS STATE 2008 UTAH 32, 912-184 P30 122B, PROOF OF INEFFECTIVE ASSISTANCE OF COUNSEL MUST BE DEMONSTRABLE REALITY. STATE VS. PENMAN, 964 P20 1157, 1162, (UTAH APP 1998) CITING FERNANDEZ VS. COOK 870, P20, 870, 877 (UTAH APP 1993), FOR THE FORE GOING REASONS THE APPELLANT HAS MET HIS BURDEN TO SHOW THAT HE WAS COERCED INTO ENTERING A PLEA AGREEMENT INVOLUNTARILY AND THAT HIS COUNSEL'S REPRESENTATION WAS CONSTITUTIONALLY DEFICIENT HIS APPEAL PETITION SHALL BE GRANTED AND THE COURT OF APPEALS HAS RAISE CLAIMS THAT THE APPELLANT HAS NO MERIT BASED ON THE STATEMENT UPON INFORMATION AND BELIEF THE POSTCONVICTION RELIEF WAS DISMISS REASONABLY. I WAS UNABLE TO PAY THE TRANSPORTATION FROM PRISON NOT BECAUSE THE APPELLANT HAS NO MERIT AT THE MOVEMENT. I DONT NEED POLARING OR MUSTERBATION IN WHICH THE RESPONDENT WAS DIRECTED BY THE COURT ON AUGUST 4, 2008, TO FILE A REPLY TO THE PETITIONER FILED IN THIS MATTER UPON IMFORMATION AND BELIEF. THE RULES OF CIVIL PROCEDURES PROVIDE THAT UPON ISSUANCE OF AN ORDER TO SHOW CAUSE BY THE COURT A PARTY MUST FILE AN ANSWER WITHIN (30) DAYS UPON RECIEPT OF SAID ORDER ACCORD TO THE RULES (5)(B). THE RECORD CLEARLY INDICATED THE RESPONDENT INTENTIONALLY

REFUSED AND WILLFULLY NEGLECTED THE COURT ORDERING, (A) FILING AN ANSWER BY SEPTEMBER 4, 2009. (B) FILING AN ANSWER BY OCTOBER 4, 2009. (C) FILING AN ANSWER BY NOVEMBER 4TH, 2009. THE RECORD FURTHER MORE INDICATES THAT RESPONDENT INTENTIONALLY REFUSED AND WILLFULLY NEGLECT TO DEFEND THEIR POSITION IN THIS CAUSE OF ACTION BY (A) FILING A TIMELY ANSWER OR (B) FILING A TIMELY MOTION FOR ENLARGMENT OF TIME ON MARCH 5, 2010. THE COURT HAS ENTERED A NOTE PROVIDING THAT THE MOTION TO DISMISS THE PETITION FOR POST CONVICTION RELIEF WOULD NOT BE SET FOR HEARING UNTIL IT WAS SUBMITTED FOR DECISION. THE RECORD INDICATES ON NOVEMBER 13, 2009, IT IS THE RESPONDENTS INTENTION TO MANIPULATE THE COURT BEYOND THE SCOPE OF THE RULES OF CIVIL PROCEDURE BY: (A) FILING AN UNTIMELY MOTION FOR ENLARGMENT OF TIME TO RESPONDENT TO THE PETITION OR (B) FILING A TIMELY ANSWER AND (C.) DISGUSING THE RESPONDENTS ANSWER IN THE FORM OF A MOTION TO DISMISS THE PETITION FOR POST CONVICTION RELIEF ON NOVEMBER 19, 2009. THE APPELLANT HAS FILED WITH THE COURT A RESPONSE TO RESPONDENTS MOTION FOR ENLARGMENT OF TIME AND MOTION TO DISMISS THE PETITION UPON INFORMATION AND BELIEF, THE COURT HAS BEEN STRUGGLING WITH THE NOTION OF WHETHER IT WOULD CONSIDER AND RULES ON SAID MOTIONS FOR IT BELIEVES THAT IT LACKS JURISDICTION BECAUSE THEY WERE UNTIMELY FILED, THE VIOLATION OF DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW CAUSE 5TH AND 14TH AMENDMENT OR THE UTAH COURT OF APPEAL MIGHT SAID THE

APPELLANTS A FOREIGNER INASMUCH. THE DISTRICT JUDGE HAS MENTION IN PREVIOUS PRELIMINARY HEARING ON MARCH 3, 2010. THE APPELLANT HAS FILED A MOTION FOR DEFAULT JUDGEMENT ON MARCH 5, 2010. THE DISTRICT COURT HAS DENY THE APPELLANTS MOTION FOR DEFAULT JUDGEMENT UPON INFORMATION AND BELIEF WHERE NO TIMELY MOTION FOR ENLARGEMENT OF TIME OR MOTION TO DISMISS IS FILED WITH THE TRIAL COURT. THIS COURT LACKS JURISDICTION TO CONSIDER RESPONDENTS MOTION AND RESPONDENTS RIGHT TO DEFEND THIS CAUSE OF ACTION IS EXTINGUISHED OR MAY THE UTAH COURT OF APPEALS MAY SAID THE DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW DOES NOT WORKING FOR THE APPELLANT INASMUCH. THE DISTRICT COURT JUDGE HAS MENTION IN WHICH THE APPELLANT IS RIGHT AND HIS CIVIL RIGHT HAS BEEN GUARANTEES BY THE CONSTITUTION INCLUDED 11TH AMENDMENT. THE CITIZENS OF ONE STATE OR FOREIGNER SUBJECTS FROM BRINGING A SUIT IN FEDERAL COURT AGAINST THE GOVERNMENT OF ANOTHER STATE UNLESS THAT STATES CONSENTS IT ALSO APPLIES TO CITIZENS OF A STATE BRINGING SUITS AGAINST THEIR OWN STATE. IT MAY NOT BE USED FULLY BY STATE OFFICER TO PROTECT AGAINST SUIT BASED ON INDIVIDUAL PERFORMANCE UPON INFORMATION AND BELIEF MOTIONS FILED WITH COURT ON NOVEMBER 13, 2009, AND NOT CONSIDERATION OR RULE ON WITHIN THIRTY (30) DAYS RULES OF CIVIL PROCEDURE PROVIDE THAT SAID THE MOTION ARE DEEMED TO BE DENY. THE APPELLANT HAS RECEIVED TWO LETTERS FROM THE UTAH COURT OF APPEALS ONE HAS BEEN DATED NOVEMBER 23, 2010, AND THE OTHER HAS A DATE OF NOVEMBER

26 & 29, 2010, IN WHICH HAS ASKING FOR DOCKET STATEMENT AND OTHER ASKING FOR SUMMARY DISMISSAL ON THE BASIS THAT THE GROUNDS FOR APPEAL ARE SO INSUBSTANTIAL: PLEASE BE ADVISED AND BE AWARE THAT THE POST CONCUSSION RELIEF WAS DISMISSED NOT BECAUSE INSUBSTANTIAL OR NOT ENOUGH EVIDENCE TO SUPPORT THE APPELLANTS PETITION, BUT THE APPELLANT WAS REQUESTED TO PAY THE TRANSPORTATION FEE. THE DISTRICT TRIAL COURT JUDGE WHICH WAS THE ESCAPE GOAL ON THE PREVIOUS PETITION ANY ANTAGONISTIC PRESCRIPTION THE COURT MAY INITIATE NOT BECAUSE THE APPELLANTS APPEAL HAVE NO MERIT. THE RECORD WILL PROVE INEFFECTIVE ASSISTANCE OF COUNSEL WILL BASED ON THEIR OPINION AND INTERPRETATION. THIS CASE HAS ALSO VIOLATED THE APPELLANTS CIVIL RIGHT THAT GUARANTEES BY THE U.S. CONSTITUTION LAW INCLUDING THE RIGHT TO BE FROM INVIDIOUS DISCRIMINATION UNFAIR OR UNEQUAL TREATMENT OF CLASS OF PERSONS NATIONALITY, ORIGINAL COLOR RACE, RELIGION OR NATIONAL ORIGINAL.

DATED THIS DAY 2 DECEMBER 2010

RESPECTFULLY SUBMITTED:



JACOB NUT BOLITH

APPELLANT, PRO-SE

JACOB MUT BOLITH #43310
UTAH STATE PRISONER HOUSING
SANPETE COUNTY JAIL PO BOX 30
MANTI UTAH 84642

IN THE SUPREME COURT FOR
STATE OF UTAH

JACOB MUT BOLITH
PETITIONER / APPELLATE
VS
STATE OF UTAH
DEFENDANT / RESPONDENT

MOTION TO EXONERATION
OF EXISTENCE EVIDENCE
TRIAL CASE NO 090705600
APP CASE NO 20100834-CA
SUPREME COURT CASE NO 20110151-SC

THE PETITIONER JACOB M BOLITH RESPECTFULLY HAS BRIEF THE UTAH
SUPREME COURT BASED ON THE FOLLOW ISSUE THE WORD FOREIGNER
WAS DISTRICT JUDGE'S CODIFICATION OF DISTRICT HAS CONTRADICTED
THE APPELLATE BELIEVE THAT BELGOTARLY BEGAIN CALLED A FOREIGNER BY THE
DISTRICT JUDGE HAS PLAY A ROLE ON THE CONVICTION AND HAVING
INEFFECTIVE ASSISTANCE OF THE SUBSTITUTED COUNSELOR THE QUESTION
STILL REMIND TO THE UTAH SUPREME COURT TO RESUIT THE ISSUES
AND THIS CASE HAVE BEEN A PAIN ON MY EXISTANCE LIFE OR MAYBE THE UTAH
STATE LAW MAY SAID IT ALLOWED THE JUDGE MUST BE ALLOWED TO
SAY ANY WORD OF THOSE OF WORD: THE APPELLATE NOT SO SURE ABOUT
THE STATE LAW THE APPELLATE MAY NOT CONCEDER THE CASE UNTIL IT
CLARIFY BY THE FEDERAL LAW PERHAP: OTHER HAND THE APPELLATE HAVE
NO LAW RESOLURACE OF THE RULE AND DID NOT ASH THE DISTRICT
TO BELGAIN SELF-REPRESENTATION OR PROSE IT DISTRICT JUDGE HAS
REFUSED STILL BELIEVES THE PETITIONER'S FOREIGNER THE APPELLATE

ON THE COURT RECORD TO HAVE SUBSTITUTE COUNSELOR AND ADDITIONAL INFORMATION THE APPELLAT EVENTUALLY NOT UNDERSTANDING THE ENGLISH LANGUAGE ITSELF UPON INFORMATION AND BELIEF THE DISTRICT JUDGE HAS CONTRADICTED HIMSELF HAVE IMMEDIATELY FOLLOW THE STATE PROSECUTED AND HAVING INEFFECTIVE ASSISTANCE OF COUNSEL COME INTO EFFORT OF THE CHANGE OF TONE HAS FORTHWITH: THE DISTRICT JUDGE'S WORD HAVE COLLABORATION WITH THE STATE PROSECUTION AND THE DEFENSE COUNSEL SHOULD BE SUBJECTED TO INVESTIGATED THE CASE FOR SOMEBODY HAS BEEN'S CLASSIFICATION BY THE DISTRICT JUDGE HAS FORELNER THE APPELLATE'S NOT TRY TO CLORIFY THAT SHOULD BE EXCEPTED BY THE SUPREME COURT THE APPELLATE HARDLY WANT TO KNOW THE CONCEPTION OF THE LAW OR DID THE DISTRICT COURT HAS COMMIT THE CONSPIRACY THEORY THAT THE CONSTITUTION VIOLATION; THE FILED THIS RULE SHALL GOVERN THE PROCEEDING IN ALL PETITIONER FOR POSTCONVICTION RELIEF UNDER UTAH CODE ANN: 18-35A-101 ET SEQ THE COURT HAS ORDER THE RESPONDENT SHALL ANSWER OR OTHER RESPONDENT WITHIN 30 DAYS IN ACCORDINGLY WITH RULE (5)(B) THE RULES OF THE CIVIL PROCEDURE: THE PRESENT OF THE PETITIONER AT THE EVIDENTARY HEARING THE PETITIONER SHALL BE PRESENT AT THE HEARINGS IF THE PETITIONER HAS REPRESENTED BY COUNSEL IF NOT: THE PREHEARING CONFERENCE IF THE PETITIONER IS NOT REPRESENTED BY COUNSEL; THE PREHEARING CONFERENCE MAY BE CONDUCTED BY MEANS OF THE TELEPHONE OR VIDEO CONFERENCE; THE PETITIONER SHALL BE PRESENTED BEFORE THE COURT AT THE HEARING ON THE DISPOSITIVE ISSUES NEITHER THE DISTRICT COURT HAS FULFILLED THE RULES OF CIVIL PROCEDURE, BUT NEED NOT OTHERWISE BE PRESENT IN THE COURT WERE LAW DEMAND BY STATUTE DURING THE PROCEEDING; THE COURT MAY CONDUCT ANY HEARING AT THE CORRECTIONAL FACILITY WHERE THE PETITIONER HAS CONFINED NEITHER THE DISTRICT COURT HAS FAILED TO CONSIDER THE HEARING CONFERENCE OR VIDEO AND TELEPHONE BOTH; THE COST OF THE PROCEDURE HAS ALLOWED UNDER RULES 54(C) TO ANY PARTY AS IT DEEMS APPROPRIATELY. IF THE PETITIONER IS INDIGENT

ENTITY THAT PROSECUTED THE PETITIONER; IF THE PETITIONER IS IN CUSTODY
 OF THE CORRECTIONAL DEPARTMENT CORRECTIONS SECTION 64-13-23 AND
 SECTIONS 28-7-36 THROUGH 28-7-43 GOVERN THE MANNER; THIS RULES
 ARE THAT ISSUES BY THE APPROPRIATE LEGISLATURE GOVERNMENT AND UNITED
 STATES CONSTITUTION NOT INDIVIDUAL REINFORCEMENT OR NOT THE COURT
 CAN ACCORDINGLY HAVE NOT REINFORCE BY THE COURT JUDGE UNLESS
 THE APPROPRIATE LEGISLATION; AND THE CONSTITUTION CAN NOT UPLIFT
 BY COURT OR FIRM IF THE UTAH STATE LAW HAS LEGISLATE THIS LAW
 THE APPELLATE WOULD LIKE TO KNOW OR OTHERWISE SHOULD BE INFORM
 IF THE LAW HAS CHANGED; THE DISMISSAL OF THE PETITION WAS DECLARE
 WITHOUT BEING CONSIDER OR DESERVED THE OPPORTUNITY TO HAVE HIS
 VOICE HEARD TO APPEAR ON VIDEO OR TELEPHONE INDEED THE APPELLATE HAS
 BEEN CONSIDER FOREIGNER; THE QUESTION REMAIN TO THE SUPREME COURT
 OF THE STATE OF UTAH SHOULD ANY IMMIGRANT COULD BE SUBJECTED TO
 THE CRIME OR LINK TOO BASED ON THEIR NATIONAL ORIGINAL WITHOUT
 THE LAW; THAT HAS DEMONSTRATE THAT THE VIOLATION OF CIVIL PROCEDURE; THE TRIAL
 COURT HAS VIOLATION OF THE DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW;
 HOWEVER THE DISTRICT COURT JUDGE SHALL NOT ASSUMED THAT THE PETITIONER
 OR DEFEND'S ABSENCE WAS THE PURPOSED TO GRANT THE STATE THEIR MOTION
 THAT WAS UNTIMELY FILED; WHILE KNOWING THE PETITIONER HAS BEEN
 SENT TO PRISONER AND PROCEDURE WITHOUT AFFORDING THE PETITIONER A
 COUNSEL TO REPRESENTED THE INCARCERATED PETITIONER THAT GAVE THE
 STATE PROSECUTOR THE OPPORTUNITY TO ARGUE THE CASE BY HIMSELF THAT
 MEANS THE LAWS DOES NOT OR ELABORATE WITH THE APPELLATE APPARENTLY'S
 FOREIGNER ACCORD TO THE DISTRICT COURT HAS GAVE STATE PROSECUTION
 THE PERMISSION TO PROCEDURE FREELY WITHOUT CONSIDERATION OF THE
 PETITION OR OTHERSIDE THE OPPORTUNITY TO APPEAR IN PERSON OR BY
 COUNSEL OR OTHERWISE SHOULD BE CONSIDER DURING HEARINGS
 THAT THE THE SUBREPTION AND HARCH DEVERT THE CHARGE OF THE PETITIONER

STUART VS STATE 2009 UTAH APPEAL 267 THE UTAH RULES OF CIVIL PROCEDURE ON THE POSTCONVICTION RELIEF UPON INFORMATION AND BELIEF THE CIVIL AND CRIMINAL PROCEDURE BOTH NATURE GOVERN BY THE CONSTITUTIONAL OF THE UNITED STATES EVEN IN THE SUITS AGAINST GOVERNMENT OR STATE: THE ACCUSER SHALL HAVE RIGHT AND THE PRIVILEGE SET FORTH AND THE RESTRICTION OF THE JUDICIAL POWER UNDER STATE OR THE UNITED STATES' SHALL NOT BE CONSTRUCTED TO EXTEND TO ANY SUIT THAT HAS BROUGHT TO THE UNITED STATES DISTRICT COURT LAW OR THE EQUITY COMMENCED AND PROSECUTED AGAINST ONE OF THE UNITED STATES BY CITIZENS OF ANOTHER STATE OR THE SUBJECT OF ANY FOREIGNER FROM BRINGING SUIT IN THE FEDERAL COURT ON THEIR OWN STATE IT MAY NOT BE USED BY THE STATE OFFICER TO PROTECT AGAINST SUIT BASED ON INDIVIDUAL PERFORMANCE THE ELEVENTH AMENDMENT: THE STATE AND DISTRICT COURT HAVE DID THAT DENY THE POSTCONVICTION RELIEF AND HAS REQUIRED INCARCERATED PETITION TO PAID THE TRANSPORTATION FEES AND REFUSAL TO THE COUNSEL TO REPRESENT THAT UNCONSTITUTIONAL LAW: THE CIVIL PROCEDURE GOVERN BY LAW AND APPROPRIATE LEGISLATE BY CONGRESS OR GENERAL COUNSEL SESSION OF UNITED STATES: NOT SHALL DEPRIVED BY STATE OR ABRIDING INDIVIDUAL RIGHT NOR OR TO ENFORCE LAW THAT DENYING DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW WHICH DISTRICT COURT HAS ABSOLUTELY ABANDON BASIC ON THE PERCEPTION FOREIGNER WHICH THE APPELLATES RIGHT ARE PROTECT REGARDING THE RULES OF THE COMMON LAW THAT HAS PROVIDE THE RIGHT TO EQUAL PROTECTION OF LAW AND EQUAL JUSTICE THAT THE CONSTITUTION HAVE ESTABLISH BY CONSTITUTIONAL LAWS AND THE GENERAL LEGISLATURE OF THE UNITED STATES: THE QUESTION ABOUT THE EVIDENCE STILL UNANSWER BY THE DISTRICT

WITHOUT THE EVIDENCE THAT HAS LINK TO THE CRIME: THE APPELLATE HAS RAISE
 DURING THE PRELIMINARY HEARING AND THE CHARGE AGAINST HIM THAT HAS BEEN DENY
 BY TRIAL COURT OR DISTRICT JUDGE: THE APPELLATE HAS RAISE THE EXCLUSIONARY
 RULES THAT SAID ILLEGAL SEIZE OF THE EVIDENCE HAS BE EXCLUDED FROM PREVIOUS
 TRIAL COURT RECORD IN THE PURSUE OF THE POSTCONVICTION RELIEF HAS DISTRICT JUDGE
 HAVE SAID THE PETITIONER HAS NO RIGHT UNDER UTAH LAW THAT IT WAS MENTION
 ON MULTIPLE PRELIMINARY HEARING WITH THE DISTRICT JUSTICE COURT OF SALT LAKE
 THE APPELLATE HAS NO RIGHT AGAINST CITIZENS THAT WAS THE DEFINITION TO COUNSEL
 CORRY BY THE DISTRICT JUDGE WHICH COUNSEL CORRY HAS ASK THE DISTRICT THAT
 THE APPELLATE HAVE A RIGHT TO FACE A ACCUSER: WHICH THE DISTRICT JUDGE'S ANSWER
 WAS NOTHING WOULD BE DONE ABOUT IT AND ALSO THE PETITIONER'S FOREIGNER
 ACCORDINGLY TO THE DISTRICT TRIAL COURT JUDGE TO COUNSEL CORRY AND COUNSEL
 CORRY'S ANSWER WAS HE GOING TO THE U.S. DISTRICT COURT: WHICH DISTRICT
 JUDGE HAS AGREE TO ARRANGE THE MEETING OUTSIDE THE COURTROOM THAT WAS MARCH-
 27 OR 28 - 2008 ON MAY 9 - 2008 THE APPELLATE WAS TRANSPORTED FROM SALT LAKE
 COUNTY JAIL TO FACE A ACCUSER THAT DEMONSTRATE THE APPELLATE HAS BEEN
 SUBJECTED TO THE INAPPROPRIATE ARRANGEMENT HAS WELL: THE APPELLATE
 RESPECTFULLY HAS BRIEF TO THE UTAH SUPREME COURT ON THE FOLLOWING
 MATTER TO THEIR ATTENTION: NOT REASONABLE DOUBT TO DELAY THIS CASE OR
 THE PERVERT JUSTICE THAT EVERY WORD THAT HAS BEEN DESCRIPTIVE HERE
 ARE TRUTHFUL HAPPEN EVEN IF THE SUPREME COURT MAY NOT CONSIDER THE
 STATEMENT THE APPELLATE HAS PLEDGE THAT THE SUPREME COURT MAY CONTACT
 COUNSEL CORRY WAS DEFENSE COUNSELOR HAS ASSIGNED BY SALT LAKE
 DEFENDANT ASSOCIATION WHICH THE APPELLATE HAS BEEN WONDER DID THE
 DISTRICT COURT HAS REASONELY PLAN THIS MALICIOUS ACCUSATION AND KNOWING
 THAT THERE WAS ACTUAL CRIME WAS COMMITTED BY THE DEFENDANT
 AND WHO IS BEHIND THE SCOPE OF THE CHARGE IF THE DISTRICT COURT
 CAN NOT IDENTIFY THE CRIME AND FOR WHAT PURPOSES THE APPELLATE'S
 FOREIGNER STATUS HAS BECOME THE SUSPECT BASED ON A NATIONALITY
 WHICH THE DISTRICT COURT JUDGE HAS SUBSCRIPTION WITHOUT THE

THE QUESTION TO THE UTAH SUPREME COURT WHY THE DISTRICT COURT HAS BELIEVE HEARSAY WITNESSE IF THE CRIME WAS EXACTLY HAS BEEN COMMIT BY THE DEFENDANT: IF THERE IS CRIME THAT THE APPELLATE HAS COMMIT WHERE ARE MEDICAL EXAMINATION OR THE HOSPITAL EMERGENCY REPORT AND THE MEDICAL RECORD REPORT OR THE DNA TEST THE APPELLATE HAS BECAME THE CRIME SUSPECT BASED ON DISTRICT JUDGES SUBSCRIPTION THE FOREIGNER WORD HAS ANNIHILATE THE APPELLATE AND THE VIOLATION OF THE UNITED STATES CONSTITUTION AND UTAH CONSTITUTION WHICH THE APPELLATE MAY NOT BE SURE ENTIRETY ON THE UTAH STATE LAW: THE APPELLATE HAS PLAN THIS CASE EVEN IF THE UTAH SUPREME COURT HAS REASONABLY REJECT THE WRIT OF CERTIORARI WHICH THE APPELLATE MAY NOT BE THE FINAL STOP THE NEXT TRIP MAY BE THE FEDERAL COURTHOUSES: THE APPELLATES PLEDGE THAT MIGHTILY CONSIDER THE RIGHT DIRECTION TO LEAN TOO IF SUPREME COURT HAS DENY THE WRIT CERTIORARI THE APPELLATE BELIEVES CONVICTION WAS CRUEL INTENTION IF THE UTAH STATE LAW HAS REASONABLY VALUES THEM HAS AN NON EXIST BASED ON THEIR NATIONALITY ORIGINAL: THE SUPREME COURT MAY DECIDED IF THE SUBJECT FOREIGNER COUNTRY HAS DESERVE THE RIGHT TO BE HEARD ACCORDINGLY TO THE LAW REQUIREMENTS IF THEY CAN NOT BE DEPRIVED BASED ON THEIR EXTRAORDINARY NATIONAL ORIGINATE WHICH THE APPELLATE HAS NOTHING TO SAID ABOUT IT: UPON INFORMATION AND BELIEF THE SUPREME COURT ON THEIR DECISION TO DECID THE STATUTORY PROVISION THAT CONTROLLING THE ISSUES AS THE CONSTITUTION OF THE UNITED STATES HAS DEMONSTRATE DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW: WHICH THE QUESTION TO THE UTAH SUPREME COURT SHOULD THE UTAH STATE HAVE THEIR OWN LAW OR THE STATE OF UTAH HAS SAME LAW HAS EVERY STATE OF UNITED STATES AND MAKE NOT MISUNDERSTOOD THE APPELLATE HAS REASONABLE STATEMENT NOT ACCUSER ANY ONE THAT HAS ASSOCIATE WITH THE CASE: JUST THE TERM OF LAW INTERPRETATION HAS BEEN PURPOSELY TRANSGRESSION CONCEALMENT BY THE DISTRICT COURT

WAS INEFFECTIVE ASSISTANT OF THE COUNSEL HAVE HIM NOT REQUESTING
 TO INVESTIGATE THE CRIME OR MEDICAL REPORT AND MEDICAL RECORD AND MEDICAL
 EMERGENCY HOSPITAL REPORT AND MEDICAL EXAMINER AND THE DNA TEST WHICH
 THE APPELLATE HAVE REQUEST ON THE PREVIOUS PRELIMINARY HEARING WITH THE
 DISTRICT TRIAL COURT TO THE BELIEVE THAT THE DEFENSE COUNSEL HAS BEEN WORK-
 ING WITH THE PROSECUTED ATTORNEY AN ORDER TO OBTAINED THE GUILTY PLEA WITH-
 OUT THE CONSIDERATION OF THE EVIDENCE HAVE LEAD TO THE ARREST OF THE APPELLATE
 INASMUCH THE DISTRICT TRIAL COURT JUDGE HAVE APPEAR THAT SAID FOREIGNER
 MAY SEEM COULD BE CONSIDER LIKE MODERN SLAVERY DAYS LAW HAS APPEAR
 STILL TRY BEGIN SUBSCRIPTIVE BY COURT HAS FOREIGNER THAT MAY LEAD TO THE
 CONVICTION OF THE APPELLATE HAVE CONSIDER THE WORD FOREIGNER MAY HAVE
 LEAN TO THE INAPPROPRIATE DEPRIVATION THAT MAY NOT MEANS TO HIM HIM
 DEPRIVED FROM THE INALIENABLE RIGHT THAT THE CONSTITUTION OF THE UNITED
 STATES HAS GIVEN HIM THE APPELLATE HAVE RECEIVE A LETTER FROM APPEAL COURT
 WHICH HAVE DISMISSAL THE CASE BACK ON 20-JANUARY 2011 HAVE STATEMENT
 SAID THE DOCKET STATEMENT HAS BEEN FORWARDED TO THEM AND ASKING FOR
 SUMMARY DISPOSITION UPON INFORMATION AND BRIEF THE APPELLATE HAS NOT
 SEND ANY DOCUMENTS TO THE APPEAL COURT NOT A SINGLE ONE DOCUMENTS
 WAS SEND TO APPEAL COURT; THE APPELLATE HAS FILE WITH THE SUPREME
 COURT THE PETITION FOR WRIT CERTIORARI; THE APPEAL COURT HAS ORIGINAL
 DISMISS THIS CASE NOTABLE BUT TWICE BY THE FOLLOW JUDGES JAMES L.
 DAVIS PRESIDING JUDGE CAROLYN B. MCHUGH THE ASSOCIATE PRESIDING
 JUDGE AND WILLIAM A. THORNE JR JUDGE UPON INFORMATION AND BRIEF
 THE APPEAL COURT BELIEVE AND SAID THEY AFFIRM THE DISMISSAL OF THE POST-
 CONVICTION RELIEF PETITION AND HAS CERTIFICATION BY BOTH JUDGES ON THEIR
 SITUATORY WHICH THE APPELLATE HAS NOT INTEND TO PETITION THE APPEAL COURT
 ONLY SUPREME COURT PETITION FOR WRIT CERTIORARI NOT WAY THE APPELLATE
 OR REASON SHOULD COME BACK TO THE APPEAL COURT WHOM ALREADY
 HAS REJECT THE APPEAL UPON INFORMATION AND BRIEF THE APPEAL COURT
 HAS REFUSED THE POSTCONVICTION RELIEF PETITION WHICH THE APPELLATE
 THE APPEAL COURT HAS IT DEEM PERMANENT

AND APPARENTLY THE APPELLATE IS NOT A PART OF THE CHROMOSOME SIXTH IF THE RESPONDENT AND THE UTAH SUPREME COURT DID NOT BELIEVE THE STATEMENT WHICH THE APPELLATE HAS PLEDGED TO LET THE RESPONDENT AND SUPREME COURT TO FEEL FREE TO HAVE THEM CONTACT ANY DOCTOR WHOM MAY HAVE SATISFACTION ON THE UNOS AND THIS PROTECTION MUST END EVEN IF THE RESPONDENT HAS NOT INDICATE THAT THE PROTECTION FOR ALL UNITED STATES WHICH THE CONSTITUTION HAS MENTION SINCE THE DECLARATION OF INDEPENDENT OF THE UNITED STATES: THE DOCUMENTS HAS INDICATE ON JANUARY 21-2011 ACCORDINGLY TO THE APPEAL COURT RECORD THE CASE HAS DISMISS WITHOUT THE PAGINATE THE TRIAL COURT RECORD WHICH THE ESCAP GOAL AND ENDORSE BY STATE OR RESPONDENT BASED ON THE FOLLOW ISSUES THAT SAID THE APPELLATE HAS ATTEMPT TO CHALLENGE THE VALIDITY OF HIS GUILTY PLEA ON DIRECT APPEAL WHICH THE APPEAL COURT HAS HELD THAT FAILURE TO FILE A TIMELY MOTION TO WITHDRAW HIS GUILTY PLEA: ONE THE APPELLATE DID NOT KNOW THE ENGLISH LANGUAGE ITSELF AND THE STATE LAW WHICH THERE IS NOT LANGUAGE INTERPRETATION OR TRANSITION WAS ISSUE TWO THE DISTRICT TRIAL JUDGE WAS AGAINST THE APPELLATE AND THE DEFENSE COUNSEL HAS BEEN CONSIDER WORKING WITH THE PROSECUTED ATTORNEY IN ORDER TO CONVICTED THE FOREIGNER WHICH THE TRIAL COURT RECORD MAY EXPLANATORY: THIRD THE APPELLATE HAS NOT ALLOW TO AVOID THE BURDEN OF THE PROVIDE THAT THE GUILTY PLEA WAS NOT KNOWINGLY ACCORD TO THE APPEAL COURT AND THE RESPONDENT AND VOLUNTARY ENTERED THE QUESTION TO THE SUPREME COURT AND THE APPEAL COURT WHICH THE APPELLATE HAS LANGUAGE BARRIER WHAT IS THE MEANING OF NOT KNOWINGLY AND UNKNOWNLY WHAT IS THE DIFFERENCE OF THIS TWO WORD THE COURT OF APPEAL MAY OR COULD CONSIDER WAS THE FACTOR REGARDLESS THE DISTRICT TRIAL COURT JUDGE HAS CONTRADICT HIMSELF MAY SAID THE PETITIONER HAS NO RIGHT AGAINST THE STATE OF UTAH CITIZENS IT APPEAR THAT MAY MEANS THAT NOT WELCOME TO UTAH WHICH APPARENTLY IT SOUND HAS AN MODERN SLAVERY DAYS LAW WHICH HAVE BEEN MENTION ON MULTIPLE TIME DURING THE PRELIMINARY HEARING WITH THE DISTRICT TRIAL COURT

11/11/11 THE APPELLATE HAS NOT PLEASANTLY TRIER THAT THE APPELLATE

COULD HAVE PLAN TO TAKE THE CASE BACK TO THE APPEAL
 COURT NOT ANY TIME HAS EXPECT THE SUPREME COURT ON
 THEIR ANTICIPATE DECISION ALTHOUGH IF THE APPELLATE HAS DISA-
 GREE OR DISATISFY WITH THE SUPREME COURT DECISION THE FINAL
 AGENDA FOR THE STATE OF UTAH AND RESPONDENT THE APPELLATE COULD
 HAVE PETITION THE UNITED STATES SUPREME COURT LONG TIME AGO
 BUT HE DON'T ON THE HAUNT UTAH SUPREME COURT MAY BEEM THE
 DIFFERENCE BETWEEN THE LAW: THE APPELLATE DID HAVE RECEIVE THE FOLLOW
 LETTERHEAD TWO LETTER HAS DATED NOVEMBER 23 AND ANOTHER HAS DATED
 26 OF NOVEMBER 2010 WHICH HAS STAMP BOTH NOVEMBER 26 AND
 29 WHICH ASKING FOR DOCKET STATEMENT OTHER HAS ASK FOR THE
 SUMMARY DISPOSITION ON THE BASIS THAT THE GROUNDS ARE
 FOR APPEAL ARE SO INSUBSTANTIAL ACCORD TO THE APPEAL COURT
 THEIR INTERPRETATION: ON MARCH 15-2011 THE APPELLATE HAS RECEIVE
 OTHER LETTER WHICH THE PANDEMONIUM STATEMENT WAS DOCKET STATEMENT
 WAS REVIEW ARE INSUBSTANTIAL PLEASE BE AWARE THAT THE -
 POSTCONVICTION RELIEF PETITION WAS DISMISS NOT CAUSE THERE
 WAS NOT ENOUGH EVIDENCE TO SUPPORT THE APPEAL CAUSE
 THE APPELLATE HAS REQUEST TO PAY THE TRANSPORTATION FEES BY
 THE DISTRICT TRIAL JUDGE WHICH WAS ESCAP COAL ON THE
 PREVIOUS PETITION AND ANTAGONISTIC AND PERCEPTION THE UTAH
 SUPREME COURT MAY HAVE OR INITIATE NOT CAUSE THE APPELLATE'S
 GROUNDS FOR WRIT CERTIORARI HAVE NO MERIT COULD BE BASED
 ON SUPREME COURT THEIR OPINION AND INTERPRETATION
 THE FOLLOW PEOPLE HAS RECEIVE A COPY OF THIS FOREWORD
 MATTER MR BRETT DELPORTO 160 E 300 S PO BOX 140854 SLC
 UTAH 84111-0854 RESPECTFUL SUBMIT DATE 3-28-2011